

May 10, 2010

1

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

MAY 10, 2010

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER
RICHARD HAMEL

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

NICOLE JULIAN
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY

REGULAR_MEETING

MR. KANE: I'd like to call to order the May 10, 2010
meeting of the New Windsor Zoning Board of Appeals.

APPROVAL_OF_MINUTES

MR. KANE: Motion to accept the minutes of April 26,
2010 as written.

MR. DITTBRENNER: So moved.

MR. BEDETTI: So moved.

ROLL CALL

May 10, 2010

2

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

PRELIMINARY_MEETINGS:

JOHN_L._PIZZO_(10-12)

MR. KANE: Next is Pizzo, off-street parking variance for six spaces in connection with second floor 1,080 square feet office area located at 819 little Britain Road. So you guys know, what we do in New Windsor we hold two meetings, we hold a preliminary so we can get a general idea of what you want to do, try to make sure you have all the information we need to make a decision. In some other towns, they don't do that, you go in cold, you don't have it, you lose. So every decision we make has to be at a public hearing, we get that information and set you up for a public hearing, just so you understand what's going on. I know you know, Greg.

MR. SHAW: For the record, my name is Greg Shaw, I'm with Shaw Engineering. John L. Pizzo Enterprises LLC owns a 3,300 square foot office building that's situated on an 8/10 of an acre parcel of land located between Temple Hill Road, New York State 207 and Little Britain Road. The subject property is within the professional office zoning district, it's the only parcel within this district as it abuts an OLI zone, the R-4 zone and the PI zone. John Pizzo Enterprises which constructed this building in 2008 presently has a site plan application before the New Windsor Planning Board to amend its approved site plan to allow an additional 1,080 square feet of office space on the building's second floor. In order to utilize this additional office space, New Windsor Zoning Ordinance requires a total of 30 parking spaces for the property. As there are only 24 spaces presently on the property and no site improvements are proposed, an area variance for the six parking spaces is required from the Zoning Board of Appeals. With this application or when this application originally came before the planning board, this Zoning Board of Appeals also granted numerous

variances for the project. It's quite unique, it's triangular in shape, very small, has three front yards and with this board's granting of the variance, I think you can say Mr. Pizzo did a very nice job with the site and with the architecture of the building. What he did during the construction of the building is he started to finish off the second floor. If you were to go up and look at the floor plan while it may sound like a lot of square footage, 1,080 square feet, a good percentage of it is built into the dormers. As you ride by, it has three dormers on one side, three dormers on the other, so I really do not feel that the additional parking spaces are really required and that he will not get a full utilization of that square footage just due to the geometry of the space this is available. The site is maxed out, we cannot get another parking space on the site. So with that, our only recourse is to come before the zoning board and ask for a variance for the six spaces.

MR. KANE: Okay, I'd be remiss if I didn't ask after everything we went through putting this up didn't he plan on putting an office on the second floor there and couldn't we have handled the parking at that time?

MR. SHAW: At that time, I will, again, I represented Mr. Pizzo, the discussion never came up and I can't explain to you why he did it other than the fact of I guess he figured it was when the first floor inspections were being made so I was told by the building department of the work that was being done, he just never had a building permit to do it. So I wouldn't say that the work is complete but it's substantially along its way and obviously, if the board does not grant the variance or the planning board does not grant site plan approval, he's going to have to remove it, very simple.

MR. KANE: Do we have any general idea of what type of business might be going in on that or he is opening it

up to rent?

MR. SHAW: He's opening it up to rent, I think he got caught financially, he did a very nice job putting a lot of money into the site and it's been vacant for quite some time, he just has Serles Prudential Realty is the only tenant in there and I think he's trying to look down the road saying when the market does turn I'm going to hopefully recoup some of my investment if I had the second floor available to rent out. It would make the project more viable.

MR. KANE: Highly understandable, we've marked out everything that can be done on that. Do you know the approximate use by the real estate people as far as parking spaces?

MR. SHAW: No, I don't but I have to tell you I ride by there quite a bit, I see maybe two cars.

MR. KANE: They've got about 24 spaces with two cars.

MR. SHAW: Yeah.

MR. HAMEL: How much space are they using?

MR. SHAW: How much space, I believe it's 1/3 of the building. I think the way it's broken up it's in three suites, with that being a suite and that being subdivided also.

MR. KANE: So basically we're looking at in the future the possibility of three different businesses being in there?

MR. SHAW: Right now I think without the second floor you have the potential of having three different businesses, separate suites all about 1,100.

MR. KANE: On the first floor?

MR. SHAW: On first floor. With respect to the second floor, the way that it's set up that can be a separate office or it can be integrated with an office, a suite on the first floor.

MR. KANE: Worst case scenario we're talking about approximately six parking spaces per if there's four in there?

MR. SHAW: Yes.

MR. KANE: General questions I have to ask. Cutting down any trees, substantial vegetation?

MR. SHAW: No.

MR. KANE: The ones I gotta ask. Creating any water hazards or runoffs?

MR. SHAW: No.

MR. KANE: Any easements running through the area?

MR. SHAW: There may be a DOT drainage easement that presently exists on the property.

MR. KANE: But with him finishing the second story, it has no issue, no impact?

MR. SHAW: No, there are no site improvements at all, none, zero.

MR. KANE: Just internal?

MR. SHAW: Correct.

MR. KANE: Further questions from the board?

MR. BEDETTI: I just want to understand, you say this

second level was never considered in the original plans when they did the first?

MR. SHAW: Correct.

MR. BEDETTI: This is something that evolved later on?

MR. SHAW: Correct, during construction.

MR. KANE: Any further questions?

MR. HAMEL: No.

MR. KANE: Have there been any complaints formally or informally about the building and the parking situation?

MR. SHAW: No.

MR. KANE: Okay, if no further questions at this time, I'll accept a motion.

MR. DITTBRENNER: I would provide a motion that we move the application of John L. Pizzo forward for a public hearing as relates for a variance for six parking spaces on project located at 819 Little Britain Road in a PO zone.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. SHAW: Thank you and we'll see you at the public hearing.

May 10, 2010

8

MS. JULIAN: Greg, just want to take this?

MR. SHAW: Thank you.

JOHN_&_ROSE_MITCHELL_AND_COLLEEN_BAILEY_(10-13)

MR. KANE: Next is John and Rose Mitchell and Colleen Bailey referred by the planning board for proposed 2 lot subdivision and a variance for a proposed lot number 1 gross lot area, lot width, minimal livable area existing condition, proposed lot number two gross lot area located at 230 Spruce Street in an R-4 zone. How you doing? Speak up clearly so this young lady can hear you. State your name for the record.

MR. SCALZO: My name is Darren Scalzo, this is my first time appearing before the ZBA for the Town of New Windsor. I'm here representing Mr. and Mrs. Mitchell and Colleen Bailey, they're looking to propose a subdivision of 1.43 acres into two residential lots. As you mentioned, I had a referral here from the planning board. We do not meet gross lot area, gross lot area is 43,560, currently we're 16,000 square feet short on lot 1 and 9,217 on lot 2. We're also here looking for a lot width variance for lot number 1 to 4.1 feet as well as minimum livable floor area of 60 square feet. Now something I may want to point out the minimum livable floor area is a pre-existing condition, there's no further development or additions planned for this lot or to the home that's on it. Mr. and Mrs. Mitchell are the parents of Miss Bailey, their intention is to eventually develop that lot for themselves, live next to their daughter, they're getting on in years. And I have not shown the proposed location of the dwelling on the lot, however, I can do that. There are photographs that you have in your hand, the lot is wooded along the street side, any trees that would be removed would be purely for the location of the driveway. There are trees up on the lot further, the only clearing that would be done would be for the house setbacks. And other than that, it's a relatively simple subdivision. It's in kind with the other lots in the area, if I can just hand this to you, this is a blowup of the tax map in the area with the

areas of lots that are very near that and as you can see from that--

MR. KANE: It will still be the biggest lots in the development.

MR. SCALZO: Yes, actually, one contiguous lot to it that would be on Dannaher is 0.79 acres, that's a little bit larger than the smaller of the lots that we're creating. The next closest lot is down on Oak Street that would resemble the same size so we're not creating something let's call it substandard for the area.

MR. KANE: For the public hearing if you could put the home into the picture for us?

MR. SCALZO: Absolutely.

MR. KANE: Approximate area where the drive was going to be.

MR. SCALZO: Absolutely.

MR. KANE: Cutting down substantial trees, other vegetation in the building of the home?

MR. SCALZO: Actually, the trees are located on the plan, I don't anticipate other than for the driveway location it will be minimal removal.

MR. KANE: Creating water hazards or runoff?

MR. SCALZO: No, sir.

MR. KANE: Any easements running through the area?

MR. SCALZO: Not at this time and there are none planned.

MR. KANE: Questions gentlemen? If no further questions, I'll accept a motion.

MR. DITTBRENNER: I'd move we forward the application of John and Rose Mitchell and Colleen Bailey forward for a public hearing as it relates to variances required on the 2 lot subdivision, variances for lot 1 gross lot area, lot width and minimum lot area as well as for lot 2 which requires variances as relates to gross lot area, all of this located at 230 Spruce Street in an R-4 zone.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. SCALZO: Thank you very much. Nicole, if I can ask this is from the planning board sent to the county at the same time, have you heard back from the county?

MS. JULIAN: Not yet, I can give you an exact date when I sent it and you have to do mailings but I'll get the exact number tomorrow morning and I'll call you.

MR. SCALZO: Thank you very much.

MR. KANE: Have a good evening.

VINCENT_ARANEO_(10-14)

MR. KANE: Last preliminary Vincent Araneo requesting a variance for proposed attached 30 x 23 foot deck with a 14 x 16 foot screened porch will not meet 20 foot side yard setback. A variance of two foot is required at 15 Ridgeview Road in an R-4 zone. What you want to do is just state your name and address so this young lady over here can hear you and tell us exactly what you want.

MR. ARANEO: My name is Vincent Araneo, A-R-A-N-E-O, I reside at 15 Ridgeview Road, I'll apologize in advance for not being as eloquent as the previous people here. Basically in a nutshell I'd like to put a 23 x 30 foot deck out and the way the house was originally built when Schoonmaker Development developed it, the house isn't square and the property it's off to an angle and that's where the problem arises, it's just the one corner as you're looking at the plan it's the left-hand side comes a little bit closer to the next door neighbor's property. And basically that's what we're dealing with right there.

MR. KANE: Cutting down any substantial trees or vegetation in the building of the deck?

MR. ARANEO: Absolutely nothing will be taken down.

MR. KANE: Creating any water hazards or runoffs?

MR. ARANEO: No, sir.

MR. KANE: Any easements running through the area where the proposed deck will be?

MR. ARANEO: No, there's not.

MR. KANE: Will the deck be similar in size and nature to other decks in your neighborhood?

MR. ARANEO: I don't really think there's many decks in our neighborhood, not too many to speak of.

MR. KANE: In general?

MR. ARANEO: In general within the ballpark of everyone else's.

MR. KANE: Further questions gentlemen?

MR. BEDETTI: Is this a ground level deck, is this elevated?

MR. ARANEO: It will be elevated at the back of the house but as the back yard actually goes up so it will start approximately at this height and probably end maybe this high.

MR. DITTBRENNER: Just show me, you're coming off here off this section?

MR. ARANEO: Exactly, yes, it's going to come this way and the enclosure will be over here, we can't interfere with the skylight so it will come out there.

MR. DITTBRENNER: Okay, and did they include the blueprint, the actual building that was stamped by the architect?

MS. JULIAN: Don't have this.

MR. HAMEL: You're not going to be blocking the back door?

MR. ARANEO: No, it won't be blocking the back door.

MS. JULIAN: No, they just made a copy.

MR. ARANEO: Is that the architect's plan?

MR. KANE: Yeah, they made a copy of that section.

MR. ARANEO: Just so you know, it shows a staircase on the closest neighbor to me which is next door, that's going to be moved around to the back so that that won't come into effect at all the one staircase, there will be two total.

MS. JULIAN: We don't have the deck plans, that's what you're talking about?

MR. ARANEO: Yes.

MR. KANE: Most of the deck plans will fall right underneath the building department's purview.

MR. ARANEO: That was the only thing different on the plan that was submitted.

MR. KANE: Questions? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for a proposed 30 foot by 23 foot deck with 14 x 16 foot screen porch that requires a two foot variance at 15 Ridgeview Road in an R-4.

MR. DITTBRENNER: I'll second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. KANE: This will tell you everything you need to do next.

MS. JULIAN: I'll call you in the morning cause she

didn't have the exact number of envelopes.

MR. ARANEO: Right, as was explained so I'll give her a call?

MS. JULIAN: I'll call you.

MR. ARANEO: Thank you very much. Have a nice evening.

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

